

REMARKS

Claims 5-17 are pending in this application. By this Amendment, Claims 10-17 are added. Favorable reconsideration is respectfully requested in light of the following Remarks.

The Office Action rejects Claims 5-9 under 35 U.S.C. §103(a) over Kreuzer et al. (U.S. Patent No. 5,901,976, hereinafter "Kreuzer") in view of Phillion et al. (U.S. Patent No. 5,590,903, hereinafter "Phillion"). The rejection is respectfully traversed.

Independent Claim 5 specifies, *inter alia*, a lining for columns of automobiles comprising a base area with fixing and holding elements and at least one opening area covering an airbag, wherein the at least one opening area comprises a thermoplastic material with a Shore A hardness greater than 100 and has a hinge area adjoining the base area and consisting essentially of a thermoplastic material with a Shore A hardness of less than 95.

Kreuzer appears to disclose an airbag lid 1 comprising a lower layer 2 of soft and resilient plastic and an outer layer 3 of hard plastic. Layers 2 and 3 are essentially fastened together adhering *totally* surface to surface. *Col. 2, lines 3-8 (Emphasis Added)*. A reinforcement 4 in the lower layer 2 made of sheet metal, wire net, or a similar material that will keep the airbag lid 1 attached to the instrument panel when the airbag inflates and the airbag lid 1 swings open, thereby acting as a hinge. *Col. 2, lines 11-14*. A bending line 8 represented by the thinning of the material is formed at the transition between a mounting web 6 and the lower layer 2 of the airbag lid 1. *Col. 2, lines 25-28*. The bending line 8 operates in conjunction with a breakoff line 9, also represented by the thinning of the material, in the outer layer 3 when the airbag inflates and the airbag lid 1 swings open, thereby acting as a hinge. *Col. 2, lines 28-31*.

Phillion appears to disclose an air bag 12 that is part of an air bag module 20 that is mounted in an instrument panel 16. Phillion mentions that the air bag can be mounted in other parts of the vehicle, such as the doors, the pillars, the roof, and the seats. *Col. 7, lines 59-62*.

The Office action asserts that the bending line 8 of Kreuzer is comparable to the hinge area of the claimed invention. Applicant respectfully disagrees with this assertion for several

reasons.

First, the bending line 8 does not adjoin the base area 3, contrary to the Office action. In Kreuzer, the bending line 8 is represented by a thinning of the material formed at the transition between a mounting web 6 and the lower layer 2 of the airbag lid 1. Thus, the bending line 8 is adjacent the lower layer 2, not adjoining the base area 3 as asserted in the Office action. In other words, the lower layer 2 is disposed between the bending line 8 and the outer layer 3, and therefore cannot be adjoining the base area 3 as asserted in the Office action.

Second, there is no mention in Kreuzer of the hardness of the bending line 8, contrary to the Office action. In Kreuzer, the lower layer 2 has a Shore A hardness of less than 92, and the outer layer 3 has a Shore A hardness of greater than 92. However, there is no mention in Kreuzer of the hardness of the bending line 8 formed at the transition between a mounting web 6 and the lower layer 2 of the airbag lid 1.

In view of the foregoing, it is respectfully submitted that the combination of Kreuzer and Phillion does not disclose, teach or suggest at least the feature of a hinge area adjoining a base area and consisting essentially of a thermoplastic material with a Shore A hardness of less than 95, as recited in Claim 5. Because the combination of the cited references does not teach all the claim limitations, as recited in Claim 5, the Office action fails to establish a *prima facie* case of obviousness. *See MPEP §2143*.

For at least this reason, Claim 5 is allowable over the applied art, taken singly or in combination. Claims 6-9, which depend from Claim 5, are likewise allowable over the applied art, taken singly or in combination. Withdrawal of the rejection is respectfully requested.

New Independent claim 10 specifies, *inter alia*, a lining for columns of automobiles including the feature of at least one opening area covering an airbag, wherein the at least one opening area is formed of a unitary layer and comprises a first material having a first hardness, except for a hinge area comprising a second material having a second hardness being different than said first hardness.

It is respectfully submitted that at least this feature is not disclosed, taught, or suggested in the applied art.

For at least this reason, Claim 10 is allowable over the applied art, taken singly or in combination. Claims 11-17, which depend from Claim 10, are likewise allowable over the applied art, taken singly or in combination.

Applicants, therefore, respectfully submit that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

Should Examiner Fleming believe anything further would be desirable in order to place the application in better condition for allowance; the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

Respectfully submitted,

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SIGNATURE OF PRACTITIONER

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